

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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AB

IN THE MATTER OF AN)
INVESTIGATION TO)
DETERMINE THE EXTENT OF)
REGULATION OF WIDE AREA)
TELEPHONE SERVICE (WATS))
RESELLERS BY THE)
COMMISSION PURSUANT TO)
PUBLIC LAW 92-1985, I.C. 8-1-2.6-)
1., ET SEQ.)

CAUSE NO. 38149

EIGHTH SUPPLEMENTAL ORDER

APPROVED: AUG 07 2008

BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

On January 20, 1988, the Commission issued an Order in this Cause, declining to exercise full jurisdiction over the resellers of wide area telephone service ("WATS") and interexchange, intrastate telecommunications services. A supplemental order excluding alternative operator services from consideration in this Cause was issued February 1, 1989, and a second supplemental order was issued on March 11, 1992, which proposed an amendment of the tariff filing requirement established in the January 20, 1988 Order for proposed new services. A third supplemental order was issued on April 8, 1992, which amended the tariff filing requirements. On April 3, 1996, a fourth supplemental order was issued proposing the elimination of the tariff filing requirement. On May 24, 1996, a fifth supplemental order was issued eliminating the tariff filing requirement.

On October 22, 1997, the Commission issued a sixth supplemental Order proposing the elimination of filing requirements for certificates of territorial authority ("CTAs"), mergers, acquisitions, stock issues and transfers and name changes. A hearing was noticed and held on November 18, 1997. Several parties appeared and comments were filed by the Indiana Telecommunications Association ("ITA"), the Telecommunications Resellers Association ("TRA") and the Office of the Utility Consumer Counselor ("OUCC"). The ITA also filed a *Response* to TRA's Comments.

The October 22, 1997 Order stated that CTA filings had imposed a serious administrative burden upon the resources of the Commission. On January 14, 1998, the Commission issued a *Seventh Supplemental Order* in this Cause in which it further relaxed the regulation of resellers of WATS and interexchange, intrastate telecommunications services by eliminating the CTA, mergers, acquisitions, stock issues and transfers, and name change filing requirements.

The passage of HEA 1279 in 2006 significantly deregulated telecommunications services in Indiana, and the Commission has streamlined the process by which communications providers of all services are certificated through the Commission. The Commission also has the obligation to identify and eliminate policies and procedures concerning telecommunications "if the rules and policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications." I.C. § 8-1-2.6-4.1(a)(2).

Based upon a review of the official Commission files and the applicable law, the Commission now finds as follows:

1. **Commission Jurisdiction.** By our Order issued in this Cause on January 20, 1988, we found that we had jurisdiction over WATS resellers, pursuant to I.C. § 8-1-2-88 and that we had subject matter jurisdiction pursuant to I.C. § 8-1-2.6. The Commission's jurisdiction has been reduced as a result of the significant modifications to I.C. 8-1-2.6, et seq. Pursuant to I.C. § 8-1-2-72, the Commission may, at any time, upon notice and opportunity to be heard, rescind, alter or amend its orders. Therefore, the Commission has jurisdiction over the procedures established in this Cause and has the power to amend filing requirements for telecommunications providers.

2. **Changes to the WATS Reseller CTA Application.** In the *Seventh Supplemental Order*, the Commission adopted certain requirements for CTA applications filed by entities seeking authorization to provide resold WATS service. In part, the Commission required such applicants to provide "a copy of a verified application to each local exchange carrier on the list [of facilities-based local exchange carriers] maintained by the Commission [.]” *Id.* at 3.

Consistent with the Commission's obligations to streamline and reduce regulatory burdens on communications carriers, the Commission hereby announces its intent to modify the application for resold WATS CTAs and notice of change forms. This proposed modification will eliminate the requirement that applicants provide a copy of the subject application or notice to all facilities-based LECs in Indiana. The Commission hereby solicits comments from all interested parties regarding this matter, and attaches to this Order the forms that the Commission proposes to use. All parties shall file comments on or before thirty (30) days from the date of this Order. Absent objection or request for a hearing on the matter, the Commission will thereafter issue a successor order with the revised forms.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The Commission shall take comments on the modification of the application for certificates of territorial authority and notice of change forms for the provision of resold wide area telephone services; parties shall file comments on or before thirty (30) days from the date of this Order.
2. This Order shall be effective on and after the date of approval.

GOLC, LANDIS AND ZIEGNER CONCUR; HARDY AND SERVER ABSENT:
APPROVED: AUG 07 2008

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



Brenda A. Howe
Secretary to the Commission

**VERIFIED APPLICATION FOR ISSUANCE OF A CERTIFICATE OF TERRITORIAL
AUTHORITY TO RESELL WIDE AREA TELEPHONE SERVICE AND/OR
INTEREXCHANGE INTRASTATE TELECOMMUNICATIONS SERVICES WITHIN
THE STATE OF INDIANA (As addressed by Cause No. 38149)**

State Form 50491 (R/11-06)
INDIANA UTILITY REGULATORY COMMISSION

(Instructions: Complete all blanks and include supporting documentation as attachments to this form).

*To the Telecommunications Division of the Indiana Utility Regulatory Commission
("IURC"): _____ ("Applicant")
hereby applies to the Indiana Utility Regulatory Commission for a Certificate of Territorial
Authority ("CTA") to resell wide area telephone services and/or interexchange, intrastate
telecommunications services in Indiana, and represents that:*

*1. Applicant's principal name (including any "doing business as (d/b/a)" names) as authorized
by the Indiana Secretary of State is: (Attach a copy of approval Certificate of Authority from Indiana
Secretary of State.)*

(a) Principal Name: _____

(b) d/b/a Name: _____

*2. Applicant's principal address, telephone number, fax numbers and regulatory contact person
for purposes of these proceedings and any subsequent IURC communications is:*

(a) Address: _____

(b) Telephone No.: _____

FAX No.: _____

(c) Contact Person & Title: _____

3. Applicant requests a CTA for the following geographic area:

*(a) Geographic area: _____
(Typically, "State of Indiana")*

4. The principal name, address, telephone number, fax number of Applicant's parent company is:

(a) Company Name: _____

(b) Address: _____

(c) Telephone No.: _____

FAX No.: _____

Applicant further represents that it:

- Has the financial, managerial, and technical ability to provide the services for which it hereby requests a CTA.*
- Will comply with Indiana laws and the Commission's regulation and orders of generic application concerning the resale of WATS and/or interexchange, intrastate telecommunications services in Indiana which do not constitute an unlawful barrier to entry into the telecommunications marketplace for such service;*
- Will pay the public utility fee required by I.C. 8-1-6;*
- Will advise any such LEC of the nature of Applicant's use of such LEC facilities and pay such LEC the lawful Commission approved tariffed rates for such services; and,*
- Will notify the Commission within thirty (30) days of any changed or additional name under which it will provide services, and any change of address of Applicant's principal business address or change in name of persons authorized to receive notice on behalf of the Applicant.*

VERIFICATION

I affirm under the penalties of perjury that the foregoing representations are true.

Officers Name &

Title: _____

Printed

Signature & Date: _____

Phone Number: _____

IURC Staff Use Only:

CERTIFICATE OF TERRITORIAL AUTHORITY

A Certificate of Territorial Authority to provide public utility service (as defined by I.C. 8-1-2-1) and telephone service as a telephone company (as those terms are defined by I.C. 8-1-2-88) as set forth in the foregoing application is hereby issued to the Applicant discussed herein to resell wide area telephone services and/or interexchange, intrastate telecommunications services in accordance with and subject to the provisions of the Indiana Utility Regulatory Commission's Orders in Cause No. 38149, and the process established by the Seventh Supplemental Order issued on January 14, 1998, in that Cause.

Acknowledged by the IURC: _____ *CTA No.:* _____

Date: _____

**VERIFIED NOTICE OF A CHANGE IN A CERTIFICATE OF TERRITORIAL
AUTHORITY TO RESELL WIDE AREA TELEPHONE SERVICE AND/OR
INTEREXCHANGE INTRASTATE TELECOMMUNICATIONS SERVICES
ISSUED BY THE STATE OF INDIANA (As addressed by Cause No. 38149)**

State Form 50490 (R/11-06)

INDIANA UTILITY REGULATORY COMMISSION

To the Telecommunications Division of the Indiana Utility Regulatory Commission (IURC):

Company Name(s) hereby notify/notifies the IURC of a change in the Certificate of Territorial Authority (CTA) to resell wide area telephone services and/or interexchange, intrastate telecommunications services issued to

Company Name(s)

*in Cause No. _____ dated _____ and/or CTA No. _____
dated _____.*

Each Applicant herein represents that, with regard to any continuing CTA authority, that it:

A) Has the financial, managerial, and technical ability to provide the services for which it hereby requests a CTA;

B) Will comply with Indiana laws and the Commission's regulations and orders of generic application concerning the resale of WATS and/or interexchange, intrastate telecommunications services in Indiana which do not constitute an unlawful barrier to entry into the telecommunications marketplace for such service;

C) Will pay the public utility fee required by I.C. 8-1-6;

D) Will advise any such LEC of the nature of Applicants use of such LEC facilities and pay such LEC the lawful Commission approved tariffed rates for such services; and,

E) Will notify the Commission within thirty (30) days of any changed or additional name under which it will provide services, and any change of address of Applicant's principal business address or change in name of persons authorized to receive notice on behalf of the Applicant.

The change(s) being noticed herein by Applicant(s) relate to:
(Check all boxes and complete all blanks that apply. Attach any supporting documents.)

☐ 1. Mergers, acquisitions, transfers, the issuance of stock, and/or other evidence of indebtedness.

a) Description of transaction:

☐ 2. Name change, use of assumed business name, etc: (Approval from Secretary of State must be attached.)

a) Existing name: _____

b) New name: _____

☐ 3. Cancellation of existing CTA for:

Designated Regulatory Contact Information

Include company name, contact person, address, phone & fax numbers for each Applicant:

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Verification

I affirm under the penalties of perjury that the foregoing representations are true.

Officer's Name & Title:

Printed

Signature & Date: _____

Phone Number: _____

Acknowledged by the IURC:

CTA No.: _____

Date: _____